

REMARKS

The Applicant has received and reviewed the Official Action mailed by the Office on 20 September 2005 (hereinafter, the "Action"). This paper is submitted as a fully-responsive reply to the Action, and the Applicant requests favorable action on the subject application at the earliest convenience of the Office.

At the outset, the undersigned would like to thank Examiner Nguyen for the courtesies extended during a brief telephone interview of 15 December 2005. The parties discussed claims 26-28 that appear on page 21 of the Applicant's copy of the specification for this application. However, it appears that the Office's file for this matter does not contain page 21 of the Applicant's specification, and thus claims 26-28 were not examined in the first action.

Since the Applicant paid extra claim fees for four additional total claims and one additional independent claim when filing, the Applicant has inserted new claims 26-28 as indicated above, and requests examination of these claims 26-28. No additional claim fees are believed necessary.

During this interview, the parties did not discuss the merits of this case, and thus, no agreement regarding claim allowance was reached during this interview.

Preliminary Informalities and Claim Objections

Paragraph 1 of the Action indicates that any features following the transitional phrase “adapted to” are not considered positively recited limitations. While not conceding the propriety of the Office’s position, the Applicant has amended the claims as indicated above to replace the phrase “adapted to” with the language “means for” solely to advance the prosecution of this matter. The Applicant thus requests consideration of the claim revisions on this basis, as well as the other bases discussed below.

Paragraph 2 of the Action stated an objection to claim 4, line 3, for reciting “a service control point”, when a similar feature had been recited in claim 2. Accordingly, claim 4 is revised to refer to “the service control point”. The Applicant requests reconsideration and withdrawal of the objection stated in Paragraph 2 of the Action.

Claim Rejections under 35 U.S.C. §112

Paragraph 4 of the Action stated a rejection of claims 10-12 under 35 U.S.C. § 112, 2nd paragraph, for being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding the rejection of claim 10, the Applicant has amended claim 8 to depend from claim 4, which recites the “service node” in line 2 thereof. Claims 9 and 10 depend from claim 8, which in turn depends from claim 4.

Regarding claim 12, the Applicant requests further clarification of the § 112 rejection relating to “said next telephone number”. Claim 8 refers positively recites “at least one next telephone number”, but Applicant is unable to locate another subsequent claim that refers back to this feature.

Claim Rejections under 35 U.S.C. §102

As stated in Paragraph 6 on page 3 of the Action, pending claims 1-14, 16-20, and 24-25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,937,713 to Kung, et al. (hereinafter, “Kung”). The Applicant respectfully traverses these rejections.

Turning to **independent claim 1**, solely to advance the prosecution of this application, the Applicant has amended claim 1 as indicted above to clarify the recitation of certain features of the system. For convenience, the Applicant reproduces claim 1, as it would stand after entry of the above revisions, with emphasis added for ease of discussion:

“1. (currently amended) A system for processing a telephone call, the system comprising:

a wire line telephone system including:

means for receiving a called number from a calling party number,

means for dialing said called number,

means for determining whether a *personalized message* associated with said called number is intended for said calling party number in response to a busy or no answer signal on said called number, and

means for delivering said *personalized message* to said calling party number.”

Kung pertains generally to an IP call forwarding profile. The Action cited Kung’s Figure 1, Figure 7, and column 13, lines 22-48 in rejecting claim 1. However, the Applicant submits that these portions of Kung do not disclose at least the “means for determining whether a *personalized message* associated with said called number is intended for said calling party number ...”, or “means for delivering said *personalized message* to said calling party number”, as recited in claim 1.

Turning to other portions of Kung, the only mention of personalization in Kung appears in column 20, lines 25-30, which is reproduced here for convenience:

25 In embodiments where the broadband residential gateway
300 supports multiple mailboxes, the icons on the LCD/LED
may be personalized to show the identity of the owner of the
message. Each user may have a different password to ensure
privacy of access. An activity log which tracks past and
30 present messages and/or archives multimedia messages may
be presented on display 338. The archive may be stored

However, Kung's mention of personalized icons does not disclose at least the above-quoted features of the Applicant's claim 1.

Based on at least the foregoing, the Applicant submits that Kung does not support a § 102 rejection of claim 1. The Applicant thus requests reconsideration and withdrawal of the § 102 rejections of claim 1.

Claims 2-12 depend directly or indirectly from claim 1, and stand rejected on similar grounds. Thus, the comments directed above to claim 1 apply equally to claims 2-12. On at least this basis, the Applicant requests reconsideration and withdrawal of the § 102 rejections of claims 2-12.

Turning to **independent claim 13**, solely to advance the prosecution of this application, the Applicant has amended claim 13 as indicted above to clarify the recitation of certain features of the system. The revisions to claim 13 are similar to those made to claim 1 and discussed above. Thus, the same comments regarding Kung, as directed above to claim 1, apply equally to claim 13.

Based on at least the foregoing, the Applicant submits that Kung does not support a § 102 rejection of claim 13. The Applicant thus requests reconsideration and withdrawal of the § 102 rejections of claim 13.

Claims 14 and 16 depend directly or indirectly from claim 13, and stand rejected on similar grounds. Thus, the comments directed above to claim 13 apply equally to claims 14 and 16. On at least this basis, the Applicant requests reconsideration and withdrawal of the § 102 rejections of claims 14 and 16.

Turning to **independent claim 17**, the Applicant has not amended this method claim, and submits that Kung does not support a § 102 rejection of claim 17. More particularly, for reasons similar to those discussed above in connection with claim 1, Kung does not disclose at least “delivering a *personalized message* associated with said called party and calling party numbers to said calling party”, as recited in claim 17. On at least this basis, the Applicant requests reconsideration and withdrawal of the § 102 rejection of claim 17.

Claims 18-20 and 24-25 depend directly or indirectly from claim 17, and stand rejected on similar grounds. Thus, the comments directed above to claim 17 apply equally to claims 18-20 and 24-25. On at least this basis, the Applicant requests reconsideration and withdrawal of the § 102 rejections of claims 18-20 and 24-25.

Claim Rejections under 35 U.S.C. §103

As stated in Paragraph 8 on Page 4 of the Action, claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kung in view of U.S. Patent Application Publication No. 2003/0207689 to Roberts, et al. (hereinafter, "Roberts"). The Applicant respectfully traverses this rejection.

It is noted that claim 15 depends indirectly from independent claim 13. Accordingly, the above comments directed to claim 13 apply equally to claim 15. In addition, however, the Applicant agrees that Kung does not specifically disclose that the wireless system includes a home location register and a mobile switching center. Thus, the Action cited Roberts for this teaching. Without conceding that Roberts provides the teaching for which it is cited in the rejection of claim 15, the Applicant submits that Roberts does not provide the teaching missing from Kung to support a rejection of independent claim 13.

As stated in Paragraph 9 on Page 4 of the Action, claims 21-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kung in view of U.S. Patent No. 5,615,253 to Kocan, et al. (hereinafter, "Kocan"). The Applicant respectfully traverses this rejection.

It is noted that claims 21-23 depend indirectly from independent claim 17. Accordingly, the above comments directed to claim 17 apply equally to claims 21-23. In addition, however, the Applicant agrees that Kung does not specifically disclose call forwarding indication. Thus, the Action cited Kocan for this teaching. Without conceding that Kocan provides the teaching for which it is cited in the rejection of claims 21-23, the Applicant submits that Kocan does not provide the teaching missing from Kung to support a rejection of independent claim 17.


Conclusion

The Applicant requests reconsideration and withdrawal of the rejections of claims 1-25, and also requests favorable action on new claims 26-28 at the earliest convenience of the Office.

If any issue remains unresolved that would prevent favorable action on this case, the Office is requested to contact the undersigned to resolve the issue.

Respectfully submitted,

Date: 19 DEC 05

By: 
Rocco L. Adornato
Lee & Hayes, pllc
Reg. No. 40,480
(509) 324-9256 ext. 257